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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,210

10/13/2004

John R. Kinghorn

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT

PAPER NUMBER

2628

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/511,210

**Applicant(s)**

KINGHORN, JOHN R.

**Examiner**

Motilewa Good-Johnson

**Art Unit**

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/2004 8-25-05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 13 and 14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
2. Claim 15 is objected to because of the following informalities: The claim recites "apparatus having a display and a processor configured to perform a method according to any of claims 1 to 1". Examiner suggest "apparatus having a display and a processor configured to perform a method according to claim 1". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 4 recites the limitation "wherein the angular separation" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 13, the claim recites “a computer program comprising instructions for performing a method according to any preceding claim”. The computer program claim is a description or expression of the program and not physical things. Therefore it is non-statutory in that they are no physical acts being performed. The computer program instructions do not define any structural and functional interrelationship between the computer program and other claimed element of a computer to permit the computer programs’ functionality.

Therefore, in order to determine if the process is statutory, one must determine whether the computer program is being claimed as part of a statutory manufacture or machine. A computer program process merely manipulates an abstract idea and is non-statutory despite the fact that it might inherently have some usefulness. For such subject matter to be statutory, the program must not be directed to a mere program listing of a set of instructions capable of being executed on a computer. Examiner finds no limitation to a practical application, i.e. computer readable medium, needed to realize the computer programs’ functionality for the claimed program.

Regarding claim 14, the claim recites “a computer-readable storage medium having recorded thereon data representing instructions for performing a method according to any of claims 1 to 12.” The data structure represents functional descriptive material and if not claimed as embodied in a computer-readable media are non-statutory in that they are not capable of causing change in the computer. However, a computer-readable medium encoded with a data structure defines structural and functional interrelationships. For such subject matter to be statutory, the program must not be directed to a mere program listing of a set of instructions capable of being executed on a computer. Examiner suggests the following “a computer-readable storage medium (storing a; embodied with a; encoded with a; having a stored; having an encoded) computer program”.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Loughmiller, Jr. et al., U.S. Patent Number 4,914,605, hereinafter Loughmiller.

Regarding claim 1, Loughmiller discloses a method of labeling an image for display on a screen comprising the steps of retrieving the image (col. 12, lines 54-56),

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displaying the image rotated (col. 5, lines 39-53, figures 3A-3J), and displaying first and second text labels on the image wherein each label identifies a part or feature of the image (figures 3A-3J), and wherein the first text label is displayed in accordance with one labeling scheme, and the second text label is displayed in accordance with a different labeling scheme (col. 4, lines 10-11, a selective and dynamic labeling scheme, which Examiner interprets as first text label with one labeling scheme and second text label with different labeling scheme respectively)

Regarding claim 2, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated with the image (figures 3C-3F)

Regarding claim 3, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated to one of a plurality of possible orientations relative to the rotated image (col. 5, lines 3-9)

Regarding claim 4, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated to one of a plurality of possible orientations relative to the rotated image (figures 3C-3J); and wherein the angular separation between those possible orientations is constant (figures 2-2 and 2-3, col. 6, lines 17-50, the rotation of the axes of the base map BM coordinate system by an angle  $(H_m - 90)$ , which Examiner interprets as constant angular separation between possible orientations)

Regarding claim 5, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels rotated to one of an odd plurality of possible orientations relative to the rotated image (figures 3E and 3F)

Regarding claim 6, Loughmiller discloses wherein one of the labeling schemes consists of displaying text labels horizontal on the display (figures 3C, 3D, 3G-3J)

Regarding claim 7, Loughmiller discloses a method according to any preceding claim further comprising the step of displaying the image unrotated prior to displaying the image rotated, wherein the first and second text labels are displayed on the unrotated image in accordance with the same respective schemes as used for the rotated image (figures 3A and 3B)

Regarding claim 8, Loughmiller discloses a method according to any preceding claim wherein each text label displayed on the image is retrieved for display from a database (col. 11, lines 37-41) which indicates either directly or indirectly which labeling scheme it is to be displayed in accordance with (col. 11, lines 37-41)

Regarding claim 9, Loughmiller discloses a method according to any preceding claim wherein the first and second text labels are members of first and second groups of text labels respectively (col. 4, lines 10-11, a selective and dynamic labeling scheme,

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which Examiner interprets as first text label with one labeling scheme and second text label with different labeling scheme respectively); and wherein text labels in the same group are displayed in accordance with the same labeling scheme (col. 5, lines 3-9, for selective labeling only certain streets are labeled and for dynamic the labels are position to be readable as the map display moves in translation and/or rotation)

Regarding claim 10, Loughmiller discloses a method of labeling an image for display on a screen comprising the steps of retrieving the image, displaying the image rotated, and displaying a text label on the image rotated to one of a plurality of possible orientations relative to the rotated image (figures 3A-3J)

Regarding claim 11, Loughmiller discloses wherein the angular separation between those possible orientations is constant (figures 2-2 and 2-3, col. 6, lines 17-50, the rotation of the axes of the base map BM coordinate system by an angle (Hm-90), which Examiner interprets as constant angular separation between possible orientations)

Regarding claim 12, Loughmiller discloses wherein the angular separation between those possible orientations is constant and the number of possible orientations relative to the rotated image is odd (figure 2-2, shows Ye'Hm as a 30 degree separation, which Examiner interprets as producing an odd number of possible orientations as further disclosed by Applicants specification, page 4, lines 5-12)



Regarding claim 15, Loughmiller discloses apparatus having a display (36, col. 12, line 6) and a processor (12, computer) configured to perform a method according to any of claims 1 to 1 (col. 12, lines 17-21)

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,757,379      Saito                      05/26/1998

Saito discloses rotation of a text image by a rotation amount for display.

U.S. Patent 6,154,219      Wiley et al.                      11/28/2000

Wiley et al. discloses labeling an object on a map in an efficient manner having a first list for label selection and a second list for label selection.

U.S. Patent 6,565,610      Wang et al.                      05/20/2003    filed 02/11/1999

Wang et al. discloses text placement program for placement in a geographical map.

U.S. Patent 5,724,072      Freeman et al.                      03/03/1998

Freeman et al. discloses labeling maps in accordance with predefined label criteria and horizontal placement.

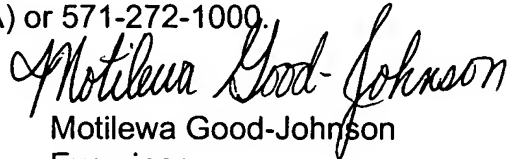
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson whose telephone number is

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(571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Wednesday 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Motilewa Good-Johnson  
Examiner  
Art Unit 2628

mgj